IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 14618 of 2004

Between:

Md.Ali s/o Md.Jafer,
Sri sailam Dam-West, Mahabubnagar District.

..... PETITIONER

AND

1 The Chairman & Managing Director, A.P.Generation Corporation Ltd., Vidyutsoudha, Somajiguda, Hyderabad.
2 The Chief Engineer (Electrical O&M), Srisailam Project, Mahabubnagar District.
3 The Superintendent Engineer, Civil, Circle-1, Hydel Projects, Sri Sailam West, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not disposing of Appeal petition dated 18-1-2002 filed by the petitioner aggrieved by the letter No.CEE/O&M/SLMU/Adm/C1/DKT.138/1259/01, DT.27-10-2001 rejecting the case of the petitioner for absorption in terms of B.P. (P&G Per) Ms.No.36, dt.18-5-97 is as arbitrary, illegal and violative of Article 14, 16 and 21 of the Constitution of India, consequently direct the 1st respondent to dispose of my appeal petition dt.18-1-2002 filed by the petitioner.

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondent No.: SMT.K.SESHARAJYAM

The Court made the following:

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ORDER:

The petitioner contends that he worked as a contract labour under the erstwhile Andra Pradesh State Electricity Board. He made a request to the authorities for his absorption to regular establishment. His request was not considered. Therefore, he filed W.P.No.30730 of 1997 seeking a direction to the authorities to consider his case for absorption in the establishment of the respondent Corporation, by contending that he was on the rolls of the employment as on 23.09.1996. This Court disposed of the said writ petition, directing the respondents to consider the case of the petitioner in terms of B.P. (P & G. Per) Ms.No.36 and 37, dated 18.05.1997. But his case was rejected on the ground that he worked as contract labour in construction side, as per letter dated 31.08.1998 of the Superintendent Engineer, Circle-I.

2. Subsequently, the petitioner submitted a representation on 04.04.2001, requesting the 2nd respondent to consider his case for absorption, but his case was not considered. Therefore, he filed another W.P.No.1674 of 2001, questioning the rejection letter dated 31.08.1998, issued by the 3rd respondent and sought for direction to consider his case on par with the contract labour, worked on construction side. This Court was pleased to dispose of the said writ petition on 13.08.2001, directing the respondents to dispose of his representation dated 04.04.2001. In compliance with the same, the 2nd respondent issued a letter No.CEE/O&M/SIMU/Adm/c1/DKT.138/1259/01, dated 27.10.2001, rejecting the case of the petitioner, by holding as follows:

> "As you were not on the rolls on that date and left service on your own accord, your case has not been considered."

The petitioner, being aggrieved by the letter dated 27.10.2001 of the 2nd respondent, preferred an appeal before the 1st respondent on 18.01.2002 and it is pending with

the 1st respondent.

3. The grievance of the petitioner is that despite of his reminders dated 28.03.2003 and 02.03.2004; the 1st respondent did not pass any orders on his appeal. Therefore, he approached this Court, seeking a direction to the 1st respondent to pass appropriate orders on his appeal.

4. In the light of the circumstances, explained by the petitioner, the 1st respondent is directed to dispose of the appeal preferred by the petitioner, dated 18.01.2002, within a period of two months from the date of receipt of a copy of this order, and communicate the said order to the petitioner.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr/svs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Chairman & Managing Director,

A.P.Generation Corporation Limited,

Vidytsougha, Somajiguda, Hyderabad

2. The Chief Engineer (Electrical O & M)

Srisailam Project,

Mahabubnagar District

3. The Superintendent Engineer,

Civil, Circle-I, Hydel Projects,

Srisailam – West,

Mahabubnagar District

4. Two CD copies.